

# EXHIBIT 23

(To be filed under seal)

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

WILLIAM FRENTZEN (LABN 24421)  
SUSAN BADGER (CABN 124365)  
S. WAQAR HASIB (CABN 234818)  
Assistant United States Attorneys  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-6753  
E-Mail: william.frentzen@usdoj.gov  
susan.badger@usdoj.gov  
waqar.hasib@usdoj.gov

Attorneys for United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

No.

UNITED STATES' INSTRUCTIONS

FILED UNDER SEAL

IN THE MATTER OF THE  
APPLICATION OF THE UNITED  
STATES FOR AN ORDER  
AUTHORIZING THE INTERCEPTION  
OF WIRE AND ELECTRONIC  
COMMUNICATIONS ON CELLULAR  
TELEPHONES [REDACTED]  
[REDACTED], AND [REDACTED] AND  
THE OBTAINING OF GPS PRECISE  
LOCATION INFORMATION FOR  
THE SAME TELEPHONES, AND  
INTERCEPTION OF WIRE  
COMMUNICATIONS ON  
TELEPHONES [REDACTED] AND  
[REDACTED]

INSTRUCTIONS  
UNDER SEAL

TO ALL SPECIAL AGENTS, law enforcement officers, and other personnel under the supervision of law enforcement personnel who are participating in the monitoring of the conversations involving the interception of wire and electronic communications over the following telephones (hereafter the "Target Telephones"):

**Target Telephone 1**

Suspected Primary User: Keith JACKSON

Call Number: [REDACTED]

IMSI/IMEI: [REDACTED]

Provider: T-Mobile

Subscriber: [REDACTED]

San Francisco, CA 94109

**Target Telephone 2**

Suspected Primary User: Senator Leland YEE

Call Number: [REDACTED]

MEI: [REDACTED]

Provider: Verizon

Subscriber: [REDACTED]

San Francisco, CA 94121

**Target Telephone 3**

Suspected Primary User: Leland Yee

Call Number: (415) 504-8728

Provider: AT&T

Subscriber: [REDACTED]

Located at: [REDACTED]

San Francisco, CA 94122

**Target Telephone 4**

Suspected Primary User: Leland Yee

Call Number: [REDACTED]

Provider: AT&T

Subscriber: [REDACTED]

Located at: [REDACTED]

San Francisco, CA 94122

**Target Telephone 5**

Suspected Primary User: [REDACTED]

Call Number: [REDACTED]

IMSI/IMEI: [REDACTED]

Provider: Verizon Wireless

INSTRUCTIONS  
UNDER SEAL

1 [REDACTED]  
2 [REDACTED]  
3 The anticipated authorization for interception is for certain wire and electronic  
4 communications over **Target Telephones 1 and 2** and for certain wire communications over  
5 **Target Telephones 3 and 4**, involving the following persons:

6 Keith JACKSON ("JACKSON"), [REDACTED], California State

7 Senator Leland YEE ("YEE"), [REDACTED]

8 [REDACTED], Brandon JACKSON ("Brandon  
9 JACKSON"), Marlon SULLIVAN ("SULLIVAN"), Kwok Cheung CHOW, a/k/a Raymond

10 Chow, a/k/a Shrimp Boy, a/k/a Ha Jai ("CHOW"), [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

16 Barry HOUSE, a/k/a Black ("HOUSE"), and [REDACTED];

17 and others whose identities are presently unknown, and for certain wire and electronic  
18 communications over **Target Telephone 5** involving the following persons:

19 Keith JACKSON ("JACKSON"), [REDACTED], Brandon JACKSON ("Brandon  
20 JACKSON"), Marlon SULLIVAN ("SULLIVAN"), [REDACTED],  
21 [REDACTED]  
22 [REDACTED], and Barry

23 HOUSE, a/k/a "Black" ("HOUSE");

24 and others whose identities are presently unknown (collectively, the "Target Interceptees"), for a  
25 thirty (30) day period, pursuant to 18 U.S.C. § 2518.  
26  
27  
28

INSTRUCTIONS  
UNDER SEAL

## INTRODUCTION

1. Before participating in any interception, you must
  - a. attend the minimization meeting on April 1, 2013, or listen to the recording of the instructions given at that meeting,
  - b. carefully read the Application, Affidavit, and Court Order that are expected to be signed by the Court on April 2, 2013, authorizing the interception of wire communications;
  - c. carefully read these Instructions; and
  - d. after completing the above steps (a-c), but before you begin monitoring, sign the attached certification.

A copy of the signed Application, Affidavit, Order, and Instructions will be posted in the wire room at all times during the operation of the surveillance. No one should be in the wire room without completing this certification. Moreover, only individuals involved in this wiretap should be listening to conversations taking place over the **Target Telephones** as they are being monitored. Finally, information received from this wiretap should not be disclosed to anyone outside of this investigation.

2. Your task is to carry out the Court's Order, intercepting only those conversations and activities that are specifically designated, while minimizing the interception of non-pertinent or privileged communications and activities.

3. The law makes no distinction between intercepting, listening to, overhearing, or monitoring (hereinafter "intercepting") a conversation. Courts generally regard intercepting wire and electronic communications through the use of electronic surveillance like any other search warrant: it authorizes a limited search and a limited seizure of evidence. Any intercepted conversation, whether or not it is recorded or otherwise preserved, is "seized" and subject to the limitations of the Court's Order.

4. The Court's Order will not allow you to freely intercept and listen to every communication carried on over the **Target Telephones**. Minimization requires that the agents make a good faith determination of whether any conversation is relevant to those illegal activities described below. If you listened to every conversation occurring over the **Target**

INSTRUCTIONS  
UNDER SEAL

1 Telephones, the fruits of your investigation could be suppressed unless all the conversations  
2 were pertinent and were not privileged.

3 5. Anytime a conversation or any part thereof is monitored, it must be recorded. To ensure  
4 that the Court can later review exactly what was intercepted, where and when minimization took  
5 place, and whether or not the monitoring was conducted in accordance with its Order, the  
6 interception equipment has been wired in such a way as to interconnect the recording and  
7 monitoring functions. You will not be able to monitor any communication without it being  
8 automatically and simultaneously recorded. Conversely, you will not be able to record any  
9 communication without it being automatically and simultaneously monitored. A single switch  
10 will activate both interception and recording so that when you tie into a telephone line to monitor  
11 a communication, you will have also activated the recorder. When you shut off the switch to end  
12 your interception, the recording will cease at the same time. If for some reason we must use  
13 machines that have a separate monitor switch, such switch is not to be activated unless the  
14 machine is recording.

15 6. We have to be able to demonstrate that we neither listened to nor recorded  
16 communications that we had no right to intercept. The original recording is our evidence of this.  
17 For this reason, no machine is to be left unattended or on automatic.

18 7. However, if at any time a machine malfunctions or it becomes necessary to install  
19 another CD while conversations are being intercepted, monitoring is permissible while the  
20 situation is being remedied. Be certain to report any overheard or overseen but non-recorded  
21 conversations in the interception log as accurately as possible, and to note the time, duration, and  
22 nature of the malfunction or other reason for non-recording. Also, immediately inform the  
23 Supervising Agent and the Supervising Attorney about the situation. In this case, your notes will  
24 serve the function of the recording and must be carefully preserved.

#### 25 COMMUNICATIONS WHICH MAY BE MONITORED

26 8. We have obtained authority from the Court to intercept certain wire and electronic  
27 communications of the Target Interceptees which occur over the Target Telephones. The  
28

1 communications we are authorized to intercept are those that relate to the following offenses for  
2 **Target Telephones 1 through 4:**

3 (a) mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341,  
4 1343, and 1346;

5 (b) money laundering, in violation of Title 18, United States Code, Section 1956;

6 (c) violations of the Travel Act, in violation of Title 18, United States Code, Section 1952;

7 (d) conspiracy to distribute controlled substances, in violation of Title 21, United States  
8 Code, Section 846;

9 (e) distribution of controlled substances, in violation of Title 21, United States Code, Section  
10 841;

11 (f) use of communication facility to commit or facilitate narcotics offense, in violation of  
12 Title 21, United States Code, Section 843(b);

13 (g) unlawful engaging in the business of dealing in firearms without a license, in violation of  
14 Title 18, United States Code, Section 922(a)(1); and

15 (h) interstate transportation of stolen property, in violation of Title 18, United States Code,  
16 Section 2314;

17 and for **Target Telephone 5:**

18 (a) mail fraud and wire fraud, in violation of Title 18, United States Code, Sections 1341,  
19 1343, and 1346;

20 (b) money laundering, in violation of Title 18, United States Code, Section 1956;

21 (c) violations of the Travel Act, in violation of Title 18, United States Code, Section 1952;

22 (d) conspiracy to distribute controlled substances, in violation of Title 21, United States  
23 Code, Section 846;

24 (e) distribution of controlled substances, in violation of Title 21, United States Code, Section  
25 841; and

26 (f) use of communication facility to commit or facilitate narcotics offense, in violation of  
27 Title 21, United States Code, Section 843(b);  
28

1 (hereinafter collectively referred to as the "Target Offenses").

2 We are permitted by the Court's Order to intercept these wire and electronic communications  
3 to achieve the goals of this investigation. These goals are as follows, to identify:

4 (i) the nature, extent and methods of operation of all of the Target Subjects' scheme to  
5 commit the Target Offenses;

6 (ii) the identity of all of the Target Subjects' accomplices, aiders and abettors,  
7 co-conspirators and participants in their commission of the Target Offenses;

8 (iii) the receipt and distribution of all contraband and money involved in the Target  
9 Offenses;

10 (iv) the locations and items used in furtherance of the Target Offenses;

11 (v) the existence and locations of all records relating to the Target Offenses;

12 (vi) the location and source of all resources used to finance the Target Offenses; and

13 (vii) the location and disposition of all of the proceeds from the Target Offenses.

14 9. You should listen to the beginning of each conversation for as long as, and only  
15 for as long as, it is necessary for you to determine if one of the persons named above is a  
16 participant and the conversation is pertinent to the subjects and activities targeted by the Court  
17 Order, but in any case, usually no longer than a few minutes unless the conversation is pertinent,  
18 that is, the conversation is within the scope of our authorization and not privileged. Title 18,  
19 United States Code, Section 2518(5) requires that interception be done "in such a way as to  
20 minimize the interception of communications not otherwise subject to interception." If you  
21 determine that the conversation is not a criminal conversation, or is privileged, stop monitoring  
22 and begin minimization. If you determine that the communication is pertinent, you will continue  
23 the interception.

24 **MINIMIZATION / SPOT-MONITORING**

25 10. If you determine during the initial few minutes that a conversation does not fall within  
26 the categories specified in the Order, that is, it is not pertinent, or that the conversation falls  
27 within one of the privileges discussed below, the recording and listening devices must be turned  
28 off.



1 11. However, it is possible that some time after the machine is turned off, the conversation  
2 will regard the illegal activities listed herein, or that the conversation will cease being of a  
3 privileged nature. To guard against missing a pertinent conversation, spot monitor, that is, check  
4 by activating the monitor and record switch periodically to determine if the nature of the  
5 conversation has changed so that it has become pertinent. Listen, observe, and record for a brief  
6 period, only as long as is necessary to determine whether the conversation has become pertinent.  
7 This procedure of spot-monitoring may be continued throughout the conversation, but should be  
8 kept to the minimum necessary to ascertain whether the conversation has changed. If, during  
9 this brief period of spot-monitoring a pertinent conversation is intercepted, keep listening and  
10 recording. If a non-pertinent or privileged conversation is intercepted, turn off the machine.  
11 You must record the conversations which are overheard even during the brief periods of  
12 interception that occur during the spot monitoring.

13 12. Continue the spot monitoring as the circumstances dictate. In determining whether and  
14 when to continue spot interceptions, use your best judgment and the circumstances known to  
15 you, such as the identity of the parties to the conversation, the nature of their relationship and  
16 past conduct, the presence of any code words, their known current activity, etc. Here are some  
17 guidelines to help you do this.

18 a. Patterns of Innocence:

19 If after several days of interception, we have consistently found that  
20 communications involving a Target Interceptee and a particular person are  
21 innocent, non-pertinent, or non-crime related, then a pattern of innocence exists  
22 and such conversations should be minimized once the parties are identified but  
23 such conversations should also occasionally be spot-monitored as described  
24 above.

24 b. Patterns of Involvement:

25 On the other hand, if one or more of the parties to a conversation has been,  
26 through the course of the investigation, identified as a co-conspirator, accomplice,  
27 agent, or victim of the Target Interceptees or criminal activities, and the  
28 communication is not privileged, a pattern of involvement in the illegal activity is  
established. Once the pattern of involvement has been set, you should let the

1 supervising agent or attorney know, and have them review the need for  
2 minimization when the involved party has been identified as a participant to any  
3 conversation.

4 With respect to electronic communications in particular (i.e. text messages), all monitoring  
5 of electronic communications will be conducted in accordance with Chapter 119 of Title 18,  
6 United States Code. Each text message will be reviewed over a secure system, and based on the  
7 identities of the sender and recipient and the content of the message, monitoring personnel will  
8 determine as soon as practicable after interception whether the text message appears to be  
9 relevant to the investigation or otherwise criminal in nature. If the message is not criminal in  
10 nature, the message will be marked "minimized" and not accessed by other members of the  
11 investigative team. If the message appears to be privileged, it will be marked "privileged" and  
12 secured from access by other members of the investigative team. If a text message appears to be  
13 relevant to the investigation or otherwise criminal in nature, it will be marked "non-minimized"  
14 and may be shared with the other agents and monitors involved in the investigation. If a text  
15 message is marked "minimized" or "privileged," it will not be disseminated to members of the  
16 investigative team. All intercepted text messages will be sealed with the court upon the  
17 expiration of the court's order authorizing the interception. It is anticipated that the monitoring  
18 location will not be staffed at all times, but will be staffed at regular hours, at which time  
19 intercepted communications will be monitored and read (including those intercepted at hours  
20 when the location was not staffed). However, even when unmanned, the monitoring location will  
21 be kept secured with access limited to only authorized monitoring personnel and their  
22 supervising agents.

#### 23 COMMUNICATIONS IN FOREIGN LANGUAGES

24 13. We believe that some of the communications you monitor may be in a foreign  
25 language. When communications in a foreign language are intercepted, we are under exactly the  
26 same obligation concerning minimization regardless of whether or not a particular government  
27

1 agent speaks or understands the language being used. If you determine that the communication  
2 is in a language in which you are not fluent, immediately notify the supervising agent.

3 14. Because it appears that conversations in Cantonese may be intercepted, efforts have been  
4 made to obtain Cantonese-speaking monitors to assist in the surveillance. If a Cantonese  
5 translator is reasonably unavailable to minimize communications on the spot, all such  
6 conversations should be intercepted and recorded in their entirety. These conversations must  
7 then be minimized as soon as practicable by a translator. Specific instructions are contained in  
8 both the Application and the Court Order.

9 **EVIDENCE OF OTHER CRIMES**

10 15. We do not have authorization to intercept communications concerning the commission or  
11 planning of crimes other than those defined above as illegal activities. Our authorization is  
12 limited to the interception of conversations between our named Target Interceptees and co-  
13 conspirators, accomplices, agents, or victims, concerning the illegal activities defined above. In  
14 the event, however, that while you are listening to a pertinent conversation or attempting to  
15 determine whether a given conversation is pertinent, you intercept a conversation involving  
16 another serious crime – for example, assault, robbery, homicide, or hijacking – listen to and  
17 record that conversation. It is similar to the “plain view” doctrine which applies in the execution  
18 of search warrants. If you do monitor such a conversation, notify the Supervising Agent and  
19 Supervising Attorney immediately.

20 **CONVERSATIONS IN WHICH OUR NAMED**  
21 **INTERCEPTEES ARE NOT PARTICIPANTS**

22 16. No interception is to be conducted unless it is determined through video surveillance,  
23 physical surveillance, voice identification, or otherwise that at least one of the named Target  
24 Interceptees or any of their co-conspirators, once identified, are a party to the conversation for  
25 which authorization has been obtained. We have authority to intercept pertinent conversations in  
26 which our Target Interceptees are not participants because we do not know and have not  
27 identified all the people who use in connection with the illegal activities. For example, if Keith  
28 JACKSON and Senator Leland YEE are overheard stating that a third person paying a bribe will

1 be calling over a **Target Telephone** in a moment, and they plan to hand the **Target Telephone** to  
2 a new individual who will assist in funneling the bribe to Senator YEE's accounts, and then the  
3 two new individuals begin a conversation over the **Target Telephone** while JACKSON and  
4 Senator YEE no longer participate in the conversation, you are authorized to continue to monitor  
5 the conversation of the now identified co-conspirators. However, you are to notify the  
6 Supervising Agent and Supervising Attorney so that appropriate modifications can be made in  
7 the applications and orders. You must be extremely careful, however, when intercepting  
8 conversations in which a named Target Interceptee is not a participant, to avoid intercepting  
9 non-pertinent conversations. It is important that you attempt to identify the named interceptees  
10 of this interception and, as well, to identify other individuals who may use the **Target**  
11 **Telephones** so that the patterns of innocence and involvement mentioned earlier can be  
12 recognized and our monitoring may be adjusted in accordance with them.

#### 13 IDENTIFICATION OF NEW SUBJECTS

14 17. One of our stated and authorized purposes in conducting this investigation is to identify  
15 our Target Interceptees' co-conspirators, accomplices, agents or victims involved in the Target  
16 Offenses. As the surveillance progresses, it is likely that you will be able to identify new  
17 subjects who function as co-conspirators, accomplices, agents, or victims in the Target  
18 Offenses. As soon as any such individual is identified, the Supervising Agent and Supervising  
19 Attorney should be notified immediately.

#### 20 PRIVILEGED COMMUNICATIONS

21 18. There are special restrictions relating to any communications which would fall under any  
22 legal privilege. The general categories of privileged communications are discussed below. If  
23 you determine that a conversation is privileged, stop intercepting immediately, but spot-monitor  
24 to see if the conversation remains privileged. If you decide that a conversation is not privileged,  
25 treat it as a regular interception and apply the above minimization instructions. If you  
26 mistakenly overhear a privileged conversation, you should notify the Supervising Agent and  
27 Supervising Attorney. You should not pass on the content of the conversation, only pass on the  
28 circumstances of the mistaken interception.

INSTRUCTIONS  
UNDER SEAL

1 a. Attorney-Client

2 It is unknown at this time whether any of the subjects are currently being represented by  
3 an attorney, although there has been some indication that Leland YEE and Larry REID  
4 may have sought legal advice as to matters other than those we are actively investigating.  
5 If at any time during the investigation we learn the name of any attorney retained by any  
6 possible subject, these names are to be posted in a conspicuous place in the listening post.  
7 Any time that it is determined that an attorney is participating in an intercepted  
8 conversation over the **Target Telephones**, call the Supervising Agent and Supervising  
9 Attorney immediately. If the conversation involves legal consultation of any kind or any  
10 sort of discussion of legal strategy, immediately turn off the monitor and stop recording.  
11 However, do not summarize this conversation in the log and, again, you should only pass  
12 on the circumstances of the mistaken interception, not the content of the conversation.  
13 Rather, you should write the content of what you mistakenly overheard, not in the log,  
14 but on a separate piece of paper titled "Attorney Communication," and give this paper, in  
15 a sealed envelope, to the Supervising Agent who, in turn, is to give it to the Supervising  
16 Attorney.

17  
18 b. Parishioner-Clergyman

19 All communications between a parishioner and his or her clergyman are to be  
20 considered privileged. We could not obtain an interception order to listen to a person  
21 confessing to a priest in a confessional booth; similarly, we must not intercept a subject  
22 discuss his or her personal, financial, or legal problems with his or her priest, minister,  
23 rabbi, etc. Thus, if such a communication is intercepted over the **Target Telephones**,  
24 turn off the monitor and stop recording. Then call the supervising agent and attorney.  
25 However unlikely, if the conversation reasonably leads you to conclude that the  
26 clergyman is acting as a co-conspirator or accomplice, the conversation is not privileged  
27 and may be monitored in full.  
28

1 c. Husband-Wife

2 There is also a privilege concerning communications between spouses. You are to  
3 discontinue monitoring if you determine that you are intercepting a personal  
4 communication over the **Target Telephones** solely between a husband and wife. If it  
5 appears that a third person is present during the communication, however, the  
6 communication is not privileged. Also, if the communication does not deal with private  
7 matters between a husband and wife, but instead with ongoing (as opposed to past)  
8 violations of law, it is not a privileged communication.

9  
10 d. Physician-Patient

11 Conversations between a physician and patient are to be considered privileged.  
12 You are to stop intercepting a communication once you determine that it is a  
13 communication between a physician and patient that arises out of their professional  
14 relationship. Then notify the supervising agent and attorney. Again, if you decide that  
15 the doctor is acting as a co-conspirator, or accomplice, the conversation is to be treated  
16 like any other intercepted communication.

17  
18 e. Psychiatrist-Patient

19 Conversations between a physician, psychiatrist, psychotherapist, psychologist, and even  
20 a social workers functioning in that capacity, are to be considered privileged.

21 You are to stop intercepting a communication once you determine that it is a  
22 communication between a psychiatrist and patient that arises out of their professional  
23 relationship. Then notify the supervising agent and attorney. Again, if you decide that  
24 the psychiatrist is acting as a co-conspirator, or accomplice, the conversation is to be  
25 treated like any other intercepted communication.

26  
27 f. Other Relationships

28 No legal privilege exists with regard to communications between a subject and his



1 26. The Court is expected to authorize the interception of wire communications over the  
2 Target Telephones for a period of 30 days. The Court's Order is expected to be signed  
3 tomorrow, April 2, 2013, as to Target Telephones 1 through 4, and interception is anticipated  
4 to start April 3, 2013. If interception indeed begins on April 3, 2013, then interception must end  
5 on May 3, 2013. If interception does not begin on April 3, 2013, the ending date will be  
6 recalculated. The dates for Target Telephone 5 will be calculated in the near future and  
7 provided to you. In any event, no communications should be intercepted after the 30 day period  
8 without a renewal and extension of the Court's Order.

9 QUESTIONS

10 27. If anything appears to be developing suddenly, or if a critical question arises,  
11 please call me, AUSA William Frentzen at [REDACTED] (desk) or [REDACTED] (mobile).  
12 You may also call AUSA S. Waqar Hasib, at [REDACTED] (desk) or [REDACTED] (mobile),  
13 or AUSA Susan Badger at [REDACTED] or [REDACTED] (mobile). These numbers  
14 will be posted in the wire room. Do not hesitate to call any of us at any time of the day or night.

15  
16 DATED: April 1, 2013

17 MELINDA HAAG  
United States Attorney

18  
19 WILLIAM FRENTZEN  
Assistant United States Attorney

20  
21  
22  
23  
24  
25  
26  
27  
28  
INSTRUCTIONS  
UNDER SEAL

# EXHIBIT 24

(To be filed under seal)



MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

WILLIAM FRENTZEN (LABN 24421)  
SUSAN BADGER (CABN 124365)  
S. WAQAR HASIB (CABN 234818)  
Assistant United States Attorneys  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-6753  
E-Mail: william.frentzen@usdoj.gov  
susan.badger@usdoj.gov  
waqar.hasib@usdoj.gov

Attorneys for United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

No.

UNITED STATES' INSTRUCTIONS

FILED UNDER SEAL

IN THE MATTER OF THE )  
APPLICATION OF THE UNITED )  
STATES FOR AN ORDER )  
AUTHORIZING THE INTERCEPTION )  
OF WIRE AND ELECTRONIC )  
COMMUNICATIONS ON [REDACTED] )  
[REDACTED] WIRE COMMUNICATIONS ON )  
[REDACTED] AND WIRE AND )  
ELECTRONIC COMMUNICATIONS )  
ON [REDACTED] AND THE )  
OBTAINING OF GPS PRECISE )  
LOCATION INFORMATION FOR )  
THE SAME TELEPHONES )

INSTRUCTIONS  
UNDER SEAL

1 TO ALL SPECIAL AGENTS, law enforcement officers, and other personnel under the  
 2 supervision of law enforcement personnel who are participating in the monitoring of the  
 3 conversations involving the interception of wire and electronic communications over the  
 4 following telephones (hereafter the "Target Telephones"):

5 **Target Telephone 1**

Suspected Primary User: Keith JACKSON

6 Call Number: [REDACTED]

IMSI/IMEI: [REDACTED]

7 Provider: T-Mobile

Subscriber: Pamela Gilmore

8 [REDACTED]  
 9 [REDACTED]  
 10 Type of interception: wire and electronic

11 **Target Telephone 2**

Suspected Primary User: Senator Leland YEE

12 Call Number: [REDACTED]

MEI: [REDACTED]

Provider: Verizon

13 Subscriber: [REDACTED]  
 14 [REDACTED]

15 Type of interception: wire only

16 **Target Telephone 5**

Suspected Primary User: [REDACTED]

17 Call Number: [REDACTED]

IMSI/IMEI: [REDACTED]

Provider: Verizon Wireless

18 Subscriber: [REDACTED]  
 19 [REDACTED]

20 Type of interception: wire and electronic

21 The anticipated authorization for interception is for certain wire and electronic  
 22 communications over **Target Telephones 1 and 5** and for certain wire communications over  
 23 **Target Telephone 2**, involving the following persons: Keith JACKSON ("JACKSON"),

24 [REDACTED], California State Senator Leland YEE ("YEE") [REDACTED]  
 25 [REDACTED]

26 [REDACTED], Brandon JACKSON ("Brandon JACKSON"), Marlon SULLIVAN

27 ("SULLIVAN"), Kwok Cheung CHOW, a/k/a Raymond Chow, a/k/a Shrimp Boy, a/k/a Ha Jai

28 ("CHOW"), [REDACTED]

INSTRUCTIONS  
UNDER SEAL

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED], Barry HOUSE, a/k/a Black ("HOUSE"), [REDACTED]  
 6 [REDACTED], and [REDACTED]  
 7 [REDACTED] and others whose identities are presently unknown (collectively, the "Target  
 8 Subjects and Interceptees"), for a thirty (30) day period, pursuant to 18 U.S.C. § 2518.

### 9 10 INTRODUCTION

- 11  
12 1. Before participating in any interception, you must
- 13 a. attend the minimization meeting on May 8, 2013, or listen to the recording of the
  - 14 b. carefully read the Application, Affidavit, and Court Order that are expected to be
  - 15 c. carefully read these Instructions; and
  - 16 d. after completing the above steps (a-c), but before you begin monitoring, sign
  - 17 the
  - 18 attached certification.

19 A copy of the signed Application, Affidavit, Order, and Instructions will be posted in the wire  
 20 room at all times during the operation of the surveillance. No one should be in the wire room  
 21 without completing this certification. Moreover, only individuals involved in this wiretap should  
 22 be listening to conversations taking place over the **Target Telephones** as they are being  
 23 monitored. Finally, information received from this wiretap should not be disclosed to anyone  
 24 outside of this investigation.

- 25 2. Your task is to carry out the Court's Order, intercepting only those communications that  
 26 are specifically designated, while minimizing the interception of non-pertinent or privileged  
 27 communications.

28  
 INSTRUCTIONS  
UNDER SEAL

1       3. The law makes no distinction between intercepting, listening to, overhearing, or  
2 monitoring (hereinafter "intercepting") a conversation. Courts generally regard intercepting  
3 wire and electronic communications through the use of electronic surveillance like any other  
4 search warrant: it authorizes a limited search and a limited seizure of evidence. Any intercepted  
5 conversation, whether or not it is recorded or otherwise preserved, is "seized" and subject to the  
6 limitations of the Court's Order.

7       4. The Court's Order will not allow you to freely intercept and listen to every  
8 communication carried on over the **Target Telephones**. Minimization requires that the agents  
9 make a good faith determination of whether any conversation is relevant to those illegal  
10 activities described below. If you listened to every conversation occurring over the **Target**  
11 **Telephones**, the fruits of your investigation could be suppressed unless all the conversations  
12 were pertinent and were not privileged.

13       5. Anytime a communication or any part thereof is monitored, it must be recorded. To  
14 ensure that the Court can later review exactly what was intercepted, where and when  
15 minimization took place, and whether or not the monitoring was conducted in accordance with  
16 its Order, the interception equipment has been wired in such a way as to interconnect the  
17 recording and monitoring functions. You will not be able to monitor any communication without  
18 it being automatically and simultaneously recorded. Conversely, you will not be able to record  
19 any communication without it being automatically and simultaneously monitored. A single  
20 switch will activate both interception and recording so that when you tie into a telephone line to  
21 monitor a communication, you will have also activated the recorder. When you shut off the  
22 switch to end your interception, the recording will cease at the same time. If for some reason we  
23 must use machines that have a separate monitor switch, such switch is not to be activated unless  
24 the machine is recording.

25       6. We have to be able to demonstrate that we neither listened to nor recorded  
26 communications that we had no right to intercept. The original recording is our evidence of this.  
27 For this reason, no machine is to be left unattended or on automatic.  
28

1 7. However, if at any time a machine malfunctions or it becomes necessary to install  
2 another CD while conversations are being intercepted, monitoring is permissible while the  
3 situation is being remedied. Be certain to report any overheard or overseen but non-recorded  
4 communications in the interception log as accurately as possible, and to note the time, duration,  
5 and nature of the malfunction or other reason for non-recording. Also, immediately inform the  
6 Supervising Agent and the Supervising Attorney about the situation. In this case, your notes will  
7 serve the function of the recording and must be carefully preserved.

8 COMMUNICATIONS WHICH MAY BE MONITORED

9 8. We have obtained authority from the Court to intercept certain wire and electronic  
10 communications of the Target Interceptees which occur over Target Telephones 1 and 5, and  
11 certain wire communications of the Target Interceptees which occur over Target Telephone 2.  
12 The communications we are authorized to intercept are those that relate to the following offenses  
13 for the Target Telephones:

- 14 (a) mail fraud and wire fraud, in violation of Title 18, United States Code, Sections  
15 1341, 1343, and 1346;  
16 (b) money laundering, in violation of Title 18, United States Code, Section 1956;  
17 (c) violations of the Travel Act, in violation of Title 18, United States Code, Section  
18 1952;  
19 (d) conspiracy to distribute controlled substances, in violation of Title 21, United  
20 States Code, Section 846;  
21 (e) distribution of controlled substances, in violation of Title 21, United States Code,  
22 Section 841;  
23 (f) use of communication facility to commit or facilitate narcotics offense, in  
24 violation of Title 21, United States Code, Section 843(b); and  
25 (g) unlawful engaging in the business of dealing in firearms without a license, in  
26 violation of Title 18, United States Code, Section 922(a)(1); and  
27  
28

1 (h) interstate transportation of stolen property, in violation of Title 18, United States  
 2 Code, Section 2314.  
 3 (hereinafter collectively referred to as the "Target Offenses").

4 We are permitted by the Court's Order to intercept these wire and electronic communications  
 5 to achieve the goals of this investigation. These goals are as follows, to identify:

- 6 (i) the nature, extent and methods of operation of all of the Target Subjects' scheme  
to commit the Target Offenses;
- 7 (ii) the identity of all of the Target Subjects' accomplices, aiders and abettors,  
co-conspirators and participants in their commission of the Target Offenses;
- 8 (iii) the receipt and distribution of all contraband and money involved in the Target  
Offenses;
- 9 (iv) the locations and items used in furtherance of the Target Offenses;
- 10 (v) the existence and locations of all documents, books, records and other recordings  
relating to the Target Offenses;
- 11 (vi) the location and source of all resources used to finance the Target Offenses; and
- 12 (vii) the location and disposition of all of the proceeds from the Target Offenses.

13 9. You should listen to the beginning of each conversation for as long as, and only  
 14 for as long as, it is necessary for you to determine if one of the persons named above is a  
 15 participant and the conversation is pertinent to the subjects and activities targeted by the Court  
 16 Order, but in any case, usually no longer than a few minutes unless the conversation is pertinent,  
 17 that is, the conversation is within the scope of our authorization and not privileged. Title 18,  
 18 United States Code, Section 2518(5) requires that interception be done "in such a way as to  
 19 minimize the interception of communications not otherwise subject to interception." If you  
 20 determine that the conversation is not a criminal conversation, or is privileged, stop monitoring  
 21 and begin minimization. If you determine that the communication is pertinent, you will continue  
 22 the interception.

#### 23 MINIMIZATION / SPOT-MONITORING

24 10. With respect to interception of wire communications, i.e., voice conversations, if you  
 25 determine during the initial few minutes that a conversation does not fall within the categories  
 26 specified in the Order, that is, it is not pertinent, or that the conversation falls within one of the  
 27 privileges discussed below, the recording and listening devices must be turned off.  
 28

11. However, it is possible that some time after the machine is turned off, the conversation will regard the illegal activities listed herein, or that the conversation will cease being of a privileged nature. To guard against missing a pertinent conversation, spot monitor, that is, check by activating the monitor and record switch periodically to determine if the nature of the conversation has changed so that it has become pertinent. Listen, observe, and record for a brief period, only as long as is necessary to determine whether the conversation has become pertinent. This procedure of spot-monitoring may be continued throughout the conversation, but should be kept to the minimum necessary to ascertain whether the conversation has changed. If, during this brief period of spot-monitoring a pertinent conversation is intercepted, keep listening and recording. If a non-pertinent or privileged conversation is intercepted, turn off the machine. You must record the conversations which are overheard even during the brief periods of interception that occur during the spot monitoring.

12. Continue the spot monitoring as the circumstances dictate. In determining whether and when to continue spot interceptions, use your best judgment and the circumstances known to you, such as the identity of the parties to the conversation, the nature of their relationship and past conduct, the presence of any code words, their known current activity, etc. Here are some guidelines to help you do this:

a. Patterns of Innocence:

If after several days of interception, we have consistently found that communications involving a Target Interceptee and a particular person are innocent, non-pertinent, or non-crime related, then a pattern of innocence exists and such conversations should be minimized once the parties are identified but such conversations should also occasionally be spot-monitored as described above.

b. Patterns of Involvement:

On the other hand, if one or more of the parties to a conversation has been, through the course of the investigation, identified as a co-conspirator, accomplice, agent, or victim of the Target Interceptees or criminal activities, and the communication is not privileged, a pattern of involvement in the illegal activity is established. Once the pattern of involvement has been set, you should let the





1 supervising agent or attorney know, and have them review the need for  
2 minimization when the involved party has been identified as a participant to any  
3 conversation.

4 With respect to electronic communications, i.e. text messages, all monitoring of electronic  
5 communications will be conducted in accordance with Chapter 119 of Title 18, United States  
6 Code. Each text message will be reviewed over a secure system, and based on the identities of  
7 the sender and recipient and the content of the message, monitoring personnel will determine as  
8 soon as practicable after interception whether the text message appears to be relevant to the  
9 investigation or otherwise criminal in nature. If the message is not criminal in nature, the  
10 message will be marked "minimized" and not accessed by other members of the investigative  
11 team. If the message appears to be privileged, it will be marked "privileged" and secured from  
12 access by other members of the investigative team. If a text message appears to be relevant to the  
13 investigation or otherwise criminal in nature, it will be marked "non-minimized" and may be  
14 shared with the other agents and monitors involved in the investigation. If a text message is  
15 marked "minimized" or "privileged," it will not be disseminated to members of the investigative  
16 team. All intercepted text messages will be sealed with the court upon the expiration of the  
17 court's order authorizing the interception. It is anticipated that the monitoring location will not  
18 be staffed at all times, but will be staffed at regular hours, at which time intercepted  
19 communications will be monitored and read (including those intercepted at hours when the  
20 location was not staffed). However, even when unmanned, the monitoring location will be kept  
21 secured with access limited to only authorized monitoring personnel and their supervising  
22 agents.

#### 23 COMMUNICATIONS IN FOREIGN LANGUAGES

24 13. We believe that some of the communications you monitor may be in a foreign  
25 language. When communications in a foreign language are intercepted, we are under exactly the  
26 same obligation concerning minimization regardless of whether or not a particular government  
27  
28

1 agent speaks or understands the language being used. If you determine that the communication  
2 is in a language in which you are not fluent, immediately notify the supervising agent.

3 14. Because it appears that conversations in Cantonese may be intercepted, efforts have been  
4 made to obtain Cantonese-speaking monitors to assist in the surveillance. If a Cantonese  
5 translator is reasonably unavailable to minimize communications on the spot, all such  
6 conversations should be intercepted and recorded in their entirety. These conversations must  
7 then be minimized as soon as practicable by a translator. Specific instructions are contained in  
8 both the Application and the Court Order.

9 EVIDENCE OF OTHER CRIMES

10 15. We do not have authorization to intercept communications concerning the commission or  
11 planning of crimes other than those defined above as illegal activities. Our authorization is  
12 limited to the interception of conversations between our named Target Interceptees and co-  
13 conspirators, accomplices, agents, or victims, concerning the illegal activities defined above. In  
14 the event, however, that while you are listening to a pertinent conversation or attempting to  
15 determine whether a given conversation is pertinent, you intercept a conversation involving  
16 another serious crime -- for example, assault, robbery, homicide, or hijacking -- listen to and  
17 record that conversation. It is similar to the "plain view" doctrine which applies in the execution  
18 of search warrants. If you do monitor such a conversation, notify the Supervising Agent and  
19 Supervising Attorney immediately.

20 CONVERSATIONS IN WHICH OUR NAMED  
21 INTERCEPTES ARE NOT PARTICIPANTS

22 16. No interception is to be conducted unless it is determined through surveillance, voice  
23 identification, or otherwise that at least one of the named Target Interceptees or any of their  
24 co-conspirators, once identified, are a party to the conversation for which authorization has been  
25 obtained. We have authority to intercept pertinent conversations in which our Target  
26 Interceptees are not participants because we do not know and have not identified all the people  
27 who use in connection with the illegal activities. For example, if Keith JACKSON and Senator  
28 Leland YEE are overheard stating that a third person paying a bribe will be calling over a Target

INSTRUCTIONS  
UNDER SEAL

1 Telephone in a moment, and they plan to hand the Target Telephone to a new individual who  
2 will assist in funneling the bribe to Senator YEE's accounts, and then the two new individuals  
3 begin a conversation over the Target Telephone while JACKSON and Senator YEE no longer  
4 participate in the conversation, you are authorized to continue to monitor the conversation of the  
5 now identified co-conspirators. However, you are to notify the Supervising Agent and  
6 Supervising Attorney so that appropriate modifications can be made in the applications and  
7 orders. You must be extremely careful, however, when intercepting conversations in which a  
8 named Target Interceptee is not a participant, to avoid intercepting non-pertinent conversations.  
9 It is important that you attempt to identify the named interceptees of this interception and, as  
10 well, to identify other individuals who may use the Target Telephones so that the patterns of  
11 innocence and involvement mentioned earlier can be recognized and our monitoring may be  
12 adjusted in accordance with them.

#### 13 IDENTIFICATION OF NEW SUBJECTS

14 17. One of our stated and authorized purposes in conducting this investigation is to identify  
15 our Target Interceptees' co-conspirators, accomplices, agents or victims involved in the Target  
16 Offenses. As the surveillance progresses, it is likely that you will be able to identify new  
17 subjects who function as co-conspirators, accomplices, agents, or victims in the Target Offenses.  
18 As soon as any such individual is identified, the Supervising Agent and Supervising Attorney  
19 should be notified immediately.

#### 20 PRIVILEGED COMMUNICATIONS

21 18. There are special restrictions relating to any communications which would fall under any  
22 legal privilege. The general categories of privileged communications are discussed below. If  
23 you determine that a conversation is privileged, stop intercepting immediately, but spot-monitor  
24 to see if the conversation remains privileged. If you decide that a conversation is not privileged,  
25 treat it as a regular interception and apply the above minimization instructions. If you  
26 mistakenly overhear a privileged conversation, you should notify the Supervising Agent and  
27 Supervising Attorney. You should not pass on the content of the conversation, only pass on the  
28 circumstances of the mistaken interception.

INSTRUCTIONS  
UNDER SEAL

1 a. Attorney-Client

2 It is unknown at this time whether any of the subjects are currently being represented by  
3 an attorney, although there has been some indication that Leland YEE and Larry REID  
4 may have sought legal advice as to matters other than those we are actively investigating.  
5 If at any time during the investigation we learn the name of any attorney retained by any  
6 possible subject, these names are to be posted in a conspicuous place in the listening post.  
7 Any time that it is determined that an attorney is participating in an intercepted  
8 conversation over the **Target Telephones**, call the Supervising Agent and Supervising  
9 Attorney immediately. If the conversation involves legal consultation of any kind or any  
10 sort of discussion of legal strategy, immediately turn off the monitor and stop recording.  
11 However, do not summarize this conversation in the log and, again, you should only pass  
12 on the circumstances of the mistaken interception, not the content of the conversation.  
13 Rather, you should write the content of what you mistakenly overheard, not in the log,  
14 but on a separate piece of paper titled "Attorney Communication," and give this paper, in  
15 a sealed envelope, to the Supervising Agent who, in turn, is to give it to the Supervising  
16 Attorney.

17  
18 b. Parishioner-Clergyman

19 All communications between a parishioner and his or her clergyman are to be  
20 considered privileged. We could not obtain an interception order to listen to a person  
21 confessing to a priest in a confessional booth; similarly, we must not intercept a subject  
22 discuss his or her personal, financial, or legal problems with his or her priest, minister,  
23 rabbi, etc. Thus, if such a communication is intercepted over the **Target Telephones**,  
24 turn off the monitor and stop recording. Then call the supervising agent and attorney.  
25 However unlikely, if the conversation reasonably leads you to conclude that the  
26 clergyman is acting as a co-conspirator or accomplice, the conversation is not privileged  
27 and may be monitored in full.  
28

c. Husband-Wife

There is also a privilege concerning communications between spouses. You are to discontinue monitoring if you determine that you are intercepting a personal communication over the Target Telephones solely between a husband and wife. If it appears that a third person is present during the communication, however, the communication is not privileged. Also, if the communication does not deal with private matters between a husband and wife, but instead with ongoing (as opposed to past) violations of law, it is not a privileged communication.

d. Physician-Patient

Conversations between a physician and patient are to be considered privileged. You are to stop intercepting a communication once you determine that it is a communication between a physician and patient that arises out of their professional relationship. Then notify the supervising agent and attorney. Again, if you decide that the doctor is acting as a co-conspirator, or accomplice, the conversation is to be treated like any other intercepted communication.

e. Psychiatrist-Patient

Conversations between a physician, psychiatrist, psychotherapist, psychologist, and even a social workers functioning in that capacity, are to be considered privileged.

You are to stop intercepting a communication once you determine that it is a communication between a psychiatrist and patient that arises out of their professional relationship. Then notify the supervising agent and attorney. Again, if you decide that the psychiatrist is acting as a co-conspirator, or accomplice, the conversation is to be treated like any other intercepted communication.

f. Other Relationships

No legal privilege exists with regard to communications between a subject and his

1 or her lover, unless they are married. Similarly, no legal privilege exists with regard to  
 2 conversations between a subject and his or her children or relatives. Keep in mind,  
 3 however, that our function is to intercept and record conversations related to illegal  
 4 activities, not indiscriminately to invade the privacy of our subjects and others. In  
 5 general, follow the spot-monitoring rules outlined above, if conversations of this type are  
 6 intercepted.

### 7 NON-PRIVILEGED COMMUNICATIONS

8  
 9  
 10 19. Even if a communication does not fall within one of the privileged categories  
 11 discussed above, that does not automatically mean that we have a right to listen to and record the  
 12 entire communication. We have authority to intercept only those communications which pertain  
 13 to the Target Offenses of the named Interceptees and their unknown associates. Always  
 14 remember that eventually a court may have to decide whether we executed the interception  
 15 Order in the manner specified by the Order. The standard which a Court is likely to apply in  
 16 determining whether the interception was properly carried out is simple: Did the agents make a  
 17 good faith effort to comply with the restrictions and requirements of the wiretap Order?

18 "... a court should not admit evidence derived from an electronic surveillance  
 19 order unless, after reviewing the conduct of the monitoring agents, it is left with  
 20 the conviction that on the whole the agents have shown high regard for the right  
 of privacy and have done all they reasonably could to avoid unnecessary  
 intrusion."

21 *United States v. Tortorello*, 480 F.2d 764, 784 (2d Cir. 1973).

22 "... the monitoring agent and thereafter the reviewing court must consider many  
 23 factors, including the precise relationship of the parties, the length of the  
 24 relationship, the number of [conversations] between the parties, the state of the  
 investigation, activities, at the time, of the alleged conspirator who is a party to  
 the conversation, and the content of the conversations to determine the  
 appropriate degree of minimization."

25 *United States v. Falcone*, 364 F. Supp. 877, 884 (D.N.J. 1973)

26 20. You must be alert to the possibility that you may intercept conversations in which  
 27 defendants in ongoing criminal prosecutions are discussing the facts of their cases. You are only  
 28

1 entitled to intercept conversations about ongoing criminal cases if they are pertinent to ongoing  
2 criminal activity (i.e., criminal conversations) and non-privileged -- just as you may intercept any  
3 other pertinent, non-privileged conversation. You are not to monitor and record any discussion  
4 concerning a legal defense or strategy that may be discussed by a subject or other interceptee.

5 21. However, you should also realize that we must be very careful how we use any  
6 information which we obtain from such conversation. Specifically, such information may not be  
7 used against a particular defendant in his pending criminal case either directly (as evidence) or  
8 indirectly (as leads to obtain evidence). None of the subjects are currently under federal  
9 indictment; however, should you intercept a conversation in which a defendant is discussing the  
10 facts of a pending criminal case, call the Supervising Agent and Supervising Attorney and advise  
11 them of the nature and substance of the conversation. Do not, under any circumstances,  
12 communicate the substance of the conversation to any prosecutor, agent, police officer, or other  
13 government officer who has any connection with the prosecution or investigation of that  
14 defendant's pending criminal case.

#### 15 SEALING

16 22. You should be aware that the federal statutes which empower District Courts to issue  
17 interception orders also place upon us the obligation to record intercepted conversations in a  
18 manner that will protect the recordings from editing or other alterations. It is our responsibility  
19 to make available to the judge who issues the interception order all of the recordings of the  
20 intercepted conversations which are then to be placed under judicial seal. Failure to carry out  
21 these responsibilities may result in the suppression of the recordings as evidence. The  
22 Supervising Agent has adopted procedures to preserve the chain of custody of the original  
23 recordings and to prepare accurate duplicates. The Supervising Agent will instruct all  
24 monitoring agents according to those procedures.

#### 25 RECORD KEEPING

26 23. Agents or monitors are to prepare abstracts or summaries of each conversation at the time  
27 of interception. The abstracts or summaries are to be included in the monitoring logs/line sheets.  
28 If the conversation was not entirely recorded, an appropriate notation should be made indicating

the incomplete nature of the conversation (e.g., interception discontinued) and why the full communication was not intercepted (e.g., non-pertinent or privileged). Where the exact words used by the participants are important, a transcript of that portion of the conversation should be prepared as soon as possible thereafter and delivered to the Supervising Agent shortly thereafter.

24. The line sheets/logs are to be a reflection of all activity occurring at the listening post which concerns the intercepted conversations, as well as the equipment itself (e.g., malfunction of recorder, no overheard conversations). You will ultimately use these logs to explain actions you took with respect to particular communications. Therefore, it is vitally important that you describe/identify:

- a. the parties of each conversation (name or UM, UF, etc.);
- b. the beginning and ending time of any conversations (in order to avoid confusion regarding "A.M." and "P.M.", please use "military time" - that is, a continuous 24-hour period of time ranging from 0000 to 2400);
- c. whether or not the conversation is pertinent; and
- d. if the conversation is not pertinent, indicate whether or not it was minimized and whether spot-monitoring used.
- e. In the area reserved for "synopsis":
  - (i) if a conversation is privileged, indicate the basis for your determination and type of privileged involved.
  - (ii) provide summary of conversation (e.g., discussed cocaine delivery, talked about price and place of delivery). If only part of the conversation was monitored, indicate why this was done. If you can identify the speakers by name, please do so. If you believe you know the identity of the speakers, but are not positive, write the name followed by a question mark.

#### LENGTH OF INTERCEPTION



1 26. The Court is expected to authorize the interception of wire communications over the  
2 Target Telephones for a period of 30 days. The Court's Order is expected to be signed on May  
3 9, 2013, as to the Target Telephones, and interception is anticipated to start May 10, 2013. If  
4 interception indeed begins on May 10, 2013, then interception must end on June 8, 2013. If  
5 interception does not begin on May 10, 2013, the ending date will be recalculated. In any event,  
6 no communications should be intercepted after the 30 day period without a renewal and  
7 extension of the Court's Order.

8 QUESTIONS

9 27. If anything appears to be developing suddenly, or if a critical question arises,  
10 please call AUSA William Frentzen at [REDACTED] (desk) or [REDACTED] (mobile). You  
11 may also call me, AUSA S. Waqar Hasib, at [REDACTED] (desk) or [REDACTED] (mobile),  
12 or AUSA Susan Badger at [REDACTED] or [REDACTED] (mobile). These numbers  
13 will be posted in the wire room. Do not hesitate to call any of us at any time of the day or night.  
14

15 DATED: May 9, 2013

16 MELINDA HAAG  
United States Attorney

17  
18 S. WAQAR HASIB  
Assistant United States Attorney  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INSTRUCTIONS  
UNDER SEAL

# EXHIBIT 25

(To be filed under seal)

MELINDA HAAG (CABN 132612)  
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)  
Chief, Criminal Division

WILLIAM FRENTZEN (LABN 24421)  
SUSAN BADGER (CABN 124365)  
S. WAQAR HASIB (CABN 234818)  
Assistant United States Attorneys  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-6753

E-Mail:       william.frentzen@usdoj.gov  
              susan.badger@usdoj.gov  
              waqar.hasib@usdoj.gov

Attorneys for United States

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN THE MATTER OF THE  
APPLICATION OF THE UNITED  
STATES FOR AN ORDER  
AUTHORIZING THE INTERCEPTION  
OF WIRE AND ELECTRONIC  
COMMUNICATIONS ON  
TELEPHONES [REDACTED] AND  
[REDACTED] AND THE  
OBTAINING OF GPS PRECISE  
LOCATION INFORMATION FOR  
TELEPHONE [REDACTED]

No.

UNITED STATES' INSTRUCTIONS

FILED UNDER SEAL

INSTRUCTIONS  
UNDER SEAL

1 TO ALL SPECIAL AGENTS, law enforcement officers, and other personnel under the  
 2 supervision of law enforcement personnel who are participating in the monitoring of the  
 3 conversations involving the interception of wire and electronic communications over the  
 4 following telephones (hereafter the "Target Telephones"):

5 **Target Telephone 2**

Suspected Primary User: Senator Leland YEE

6 Call Number: [REDACTED]

IMEI: [REDACTED]

7 Provider: Verizon

Subscriber: [REDACTED]

8 [REDACTED]

9 Type of telephone: cell phone

Type of interception: wire only

10 **Target Telephone 4**

11 Suspected Primary User: Senator Leland YEE

12 Call Number: [REDACTED]

Provider: AT & T

13 Subscriber: [REDACTED]

14 Type of telephone: land line

Type of interception: wire only

15  
 16 The anticipated authorization for interception is for certain wire communications over **Target**  
 17 **Telephones 2 and 4** involving the following persons: Keith JACKSON ("JACKSON"), [REDACTED]

18 [REDACTED], California State Senator Leland YEE ("YEE"), [REDACTED]

19 [REDACTED], Kwok Cheung CHOW, a/k/a Raymond Chow,

20 a/k/a Shrimp Boy, a/k/a Ha Jai ("CHOW"), [REDACTED], [REDACTED]

21 [REDACTED]  
 22 [REDACTED]  
 23 [REDACTED], and persons whose identities are presently unknown, (collectively,

24 the "Target Subjects and Interceptees"), for a thirty (30) day period, pursuant to 18 U.S.C. §

25 2518.

26 ///

27 ///

28  
 INSTRUCTIONS  
 UNDER SEAL

## INTRODUCTION

1. Before participating in any interception, you must

- a. attend the minimization meeting on June 24, 2013, or listen to the recording of the instructions given at that meeting,
- b. carefully read the Application, Affidavit, and Court Order that are expected to be signed by the Court on June 25 or June 26, 2013, authorizing the interception of wire communications;
- c. carefully read these Instructions; and
- d. after completing the above steps (a-c), but before you begin monitoring, sign the attached certification.

A copy of the signed Application, Affidavit, Order, and Instructions will be posted in the wire room at all times during the operation of the surveillance. No one should be in the wire room without completing this certification. Moreover, only individuals involved in this wiretap should be listening to conversations taking place over the **Target Telephones** as they are being monitored. Finally, information received from this wiretap should not be disclosed to anyone outside of this investigation.

2. Your task is to carry out the Court's Order, intercepting only those communications that are specifically designated, while minimizing the interception of non-pertinent or privileged communications.

3. The law makes no distinction between intercepting, listening to, overhearing, or monitoring (hereinafter "intercepting") a conversation. Courts generally regard intercepting wire and electronic communications through the use of electronic surveillance like any other search warrant: it authorizes a limited search and a limited seizure of evidence. Any intercepted conversation, whether or not it is recorded or otherwise preserved, is "seized" and subject to the limitations of the Court's Order.

4. The Court's Order will not allow you to freely intercept and listen to every communication carried on over the **Target Telephones**. Minimization requires that the agents make a good faith determination of whether any conversation is relevant to those illegal activities described below. If you listened to every conversation occurring over the **Target Telephones**,

INSTRUCTIONS  
UNDER SEAL

1 the fruits of your investigation could be suppressed unless all the conversations were pertinent  
2 and were not privileged.

3 5. Anytime a communication or any part thereof is monitored, it must be recorded. To  
4 ensure that the Court can later review exactly what was intercepted, where and when  
5 minimization took place, and whether or not the monitoring was conducted in accordance with  
6 its Order, the interception equipment has been wired in such a way as to interconnect the  
7 recording and monitoring functions. You will not be able to monitor any communication without  
8 it being automatically and simultaneously recorded. Conversely, you will not be able to record  
9 any communication without it being automatically and simultaneously monitored. A single  
10 switch will activate both interception and recording so that when you tie into a telephone line to  
11 monitor a communication, you will have also activated the recorder. When you shut off the  
12 switch to end your interception, the recording will cease at the same time. If for some reason we  
13 must use machines that have a separate monitor switch, such switch is not to be activated unless  
14 the machine is recording.

15 6. We have to be able to demonstrate that we neither listened to nor recorded  
16 communications that we had no right to intercept. The original recording is our evidence of this.  
17 For this reason, no machine is to be left unattended or on automatic.

18 7. However, if at any time a machine malfunctions or it becomes necessary to install another  
19 CD while conversations are being intercepted, monitoring is permissible while the situation is  
20 being remedied. Be certain to report any overheard or overseen but non-recorded  
21 communications in the interception log as accurately as possible, and to note the time, duration,  
22 and nature of the malfunction or other reason for non-recording. Also, immediately inform the  
23 Supervising Agent and the Supervising Attorney about the situation. In this case, your notes will  
24 serve the function of the recording and must be carefully preserved.

25 COMMUNICATIONS WHICH MAY BE MONITORED

26 8. We have obtained authority from the Court to intercept certain wire and electronic  
27 communications of the Target Interceptees which occur over Target Telephones 2 and 4. The  
28

1 communications we are authorized to intercept are those that relate to the following offenses for  
2 the Target Telephones:

- 3 (a) mail fraud and wire fraud, in violation of Title 18, United States Code, Sections  
4 1341, 1343, and 1346;
- 5 (b) money laundering, in violation of Title 18, United States Code, Section 1956;
- 6 (c) violations of the Travel Act, in violation of Title 18, United States Code, Section  
7 1952;
- 8 (d) conspiracy to distribute controlled substances, in violation of Title 21, United  
9 States Code, Section 846;
- 10 (e) distribution of controlled substances, in violation of Title 21, United States Code,  
11 Section 841;
- 12 (f) use of communication facility to commit or facilitate narcotics offense, in  
13 violation of Title 21, United States Code, Section 843(b); and
- 14 (g) unlawful engaging in the business of dealing in firearms without a license, in  
15 violation of Title 18, United States Code, Section 922(a)(1); and
- 16 (h) interstate transportation of stolen property, in violation of Title 18, United States  
17 Code, Section 2314.

18 (hereinafter collectively referred to as the "Target Offenses").

19 We are permitted by the Court's Order to intercept these wire and electronic communications  
20 to achieve the goals of this investigation. These goals are as follows, to identify:

- 21 (i) the nature, extent and methods of operation of all of the Target Subjects' scheme  
22 to commit the Target Offenses;
- 23 (ii) the identity of all of the Target Subjects' accomplices, aiders and abettors,  
24 co-conspirators and participants in their commission of the Target Offenses;
- 25 (iii) the receipt and distribution of all contraband and money involved in the Target  
26 Offenses;
- 27 (iv) the locations and items used in furtherance of the Target Offenses;
- 28 (v) the existence and locations of all documents, books, records and other recordings  
relating to the Target Offenses;
- (vi) the location and source of all resources used to finance the Target Offenses; and
- (vii) the location and disposition of all of the proceeds from the Target Offenses.

///



1 9. You should listen to the beginning of each conversation for as long as, and only  
2 for as long as, it is necessary for you to determine if one of the persons named above is a  
3 participant and the conversation is pertinent to the subjects and activities targeted by the Court  
4 Order, but in any case, usually no longer than a few minutes unless the conversation is pertinent,  
5 that is, the conversation is within the scope of our authorization and not privileged. Title 18,  
6 United States Code, Section 2518(5) requires that interception be done "in such a way as to  
7 minimize the interception of communications not otherwise subject to interception." If you  
8 determine that the conversation is not a criminal conversation, or is privileged, stop monitoring  
9 and begin minimization. If you determine that the communication is pertinent, you will continue  
10 the interception.

11  
12 **MINIMIZATION / SPOT-MONITORING**

13  
14 10. With respect to interception of wire communications, i.e., voice conversations, if you  
15 determine during the initial few minutes that a conversation does not fall within the categories  
16 specified in the Order, that is, it is not pertinent, or that the conversation falls within one of the  
17 privileges discussed below, the recording and listening devices must be turned off.

18 11. However, it is possible that some time after the machine is turned off, the conversation  
19 will regard the illegal activities listed herein, or that the conversation will cease being of a  
20 privileged nature. To guard against missing a pertinent conversation, spot monitor, that is, check  
21 by activating the monitor and record switch periodically to determine if the nature of the  
22 conversation has changed so that it has become pertinent. Listen, observe, and record for a brief  
23 period, only as long as is necessary to determine whether the conversation has become pertinent.  
24 This procedure of spot-monitoring may be continued throughout the conversation, but should be  
25 kept to the minimum necessary to ascertain whether the conversation has changed. If, during this  
26 brief period of spot-monitoring a pertinent conversation is intercepted, keep listening and  
27 recording. If a non-pertinent or privileged conversation is intercepted, turn off the machine. You  
28



1 must record the conversations which are overheard even during the brief periods of interception  
2 that occur during the spot monitoring.

3 12. Continue the spot monitoring as the circumstances dictate. In determining whether and  
4 when to continue spot interceptions, use your best judgment and the circumstances known to you,  
5 such as the identity of the parties to the conversation, the nature of their relationship and past  
6 conduct, the presence of any code words, their known current activity, etc. Here are some  
7 guidelines to help you do this.

8 a. Patterns of Innocence:

9 If after several days of interception, we have consistently found that  
10 communications involving a Target Interceptee and a particular person are  
11 innocent, non-pertinent, or non-crime related, then a pattern of innocence exists  
12 and such conversations should be minimized once the parties are identified but  
13 such conversations should also occasionally be spot-monitored as described  
14 above.

15 b. Patterns of Involvement:

16 On the other hand, if one or more of the parties to a conversation has been,  
17 through the course of the investigation, identified as a co-conspirator, accomplice,  
18 agent, or victim of the Target Interceptees or criminal activities, and the  
19 communication is not privileged, a pattern of involvement in the illegal activity is  
20 established. Once the pattern of involvement has been set, you should let the  
21 supervising agent or attorney know, and have them review the need for  
22 minimization when the involved party has been identified as a participant to any  
23 conversation.

24 With respect to electronic communications, i.e. text messages, all monitoring of electronic  
25 communications will be conducted in accordance with Chapter 119 of Title 18, United States  
26 Code. Each text message will be reviewed over a secure system, and based on the identities of  
27 the sender and recipient and the content of the message, monitoring personnel will determine as  
28 soon as practicable after interception whether the text message appears to be relevant to the  
investigation or otherwise criminal in nature. If the message is not criminal in nature, the  
message will be marked "minimized" and not accessed by other members of the investigative

1 team. If the message appears to be privileged, it will be marked "privileged" and secured from  
2 access by other members of the investigative team. If a text message appears to be relevant to the  
3 investigation or otherwise criminal in nature, it will be marked "non-minimized" and may be  
4 shared with the other agents and monitors involved in the investigation. If a text message is  
5 marked "minimized" or "privileged," it will not be disseminated to members of the investigative  
6 team. All intercepted text messages will be sealed with the court upon the expiration of the  
7 court's order authorizing the interception. It is anticipated that the monitoring location will not  
8 be staffed at all times, but will be staffed at regular hours, at which time intercepted  
9 communications will be monitored and read (including those intercepted at hours when the  
10 location was not staffed). However, even when unmanned, the monitoring location will be kept  
11 secured with access limited to only authorized monitoring personnel and their supervising agents.

#### 12 COMMUNICATIONS IN FOREIGN LANGUAGES

13  
14 13. We believe that some of the communications you monitor may be in a foreign  
15 language. When communications in a foreign language are intercepted, we are under exactly the  
16 same obligation concerning minimization regardless of whether or not a particular government  
17 agent speaks or understands the language being used. If you determine that the communication is  
18 in a language in which you are not fluent, immediately notify the supervising agent.

19 14. Because it appears that conversations in Cantonese may be intercepted, efforts have been  
20 made to obtain Cantonese-speaking monitors to assist in the surveillance. If a Cantonese  
21 translator is reasonably unavailable to minimize communications on the spot, all such  
22 conversations should be intercepted and recorded in their entirety. These conversations must  
23 then be minimized as soon as practicable by a translator. Specific instructions are contained in  
24 both the Application and the Court Order.

#### 25 EVIDENCE OF OTHER CRIMES

26 15. We do not have authorization to intercept communications concerning the commission or  
27 planning of crimes other than those defined above as illegal activities. Our authorization is  
28 limited to the interception of conversations between our named Target Interceptees and co-

1 conspirators, accomplices, agents, or victims, concerning the illegal activities defined above. In  
 2 the event, however, that while you are listening to a pertinent conversation or attempting to  
 3 determine whether a given conversation is pertinent, you intercept a conversation involving  
 4 another serious crime – for example, assault, robbery, homicide, or hijacking – listen to and  
 5 record that conversation. It is similar to the “plain view” doctrine which applies in the execution  
 6 of search warrants. If you do monitor such a conversation, notify the Supervising Agent and  
 7 Supervising Attorney immediately.

8 CONVERSATIONS IN WHICH OUR NAMED  
 9 INTERCEPTEEES ARE NOT PARTICIPANTS

10 16. No interception is to be conducted unless it is determined through surveillance, voice  
 11 identification, or otherwise that at least one of the named Target Interceptees or any of their  
 12 co-conspirators, once identified, are a party to the conversation for which authorization has been  
 13 obtained. We have authority to intercept pertinent conversations in which our Target  
 14 Interceptees are not participants because we do not know and have not identified all the people  
 15 *the Target Telephones SSB 4/24/2013* who use in connection with the illegal activities. For example, if Keith JACKSON and Senator  
 16 Leland YEE are overheard stating that a third person paying a bribe will be calling over a **Target**  
 17 **Telephone** in a moment, and they plan to hand the **Target Telephone** to a new individual who  
 18 will assist in funneling the bribe to Senator YEE’s accounts, and then the two new individuals  
 19 begin a conversation over the **Target Telephone** while JACKSON and Senator YEE no longer  
 20 participate in the conversation, you are authorized to continue to monitor the conversation of the  
 21 now identified co-conspirators. However, you are to notify the Supervising Agent and  
 22 Supervising Attorney so that appropriate modifications can be made in the applications and  
 23 orders. You must be extremely careful, however, when intercepting conversations in which a  
 24 named Target Interceptee is not a participant, to avoid intercepting non-pertinent conversations.  
 25 It is important that you attempt to identify the named interceptees of this interception and, as  
 26 well, to identify other individuals who may use the **Target Telephones** so that the patterns of  
 27 innocence and involvement mentioned earlier can be recognized and our monitoring may be  
 28 adjusted in accordance with them.

INSTRUCTIONS  
 UNDER SEAL

### IDENTIFICATION OF NEW SUBJECTS

17. One of our stated and authorized purposes in conducting this investigation is to identify our Target Interceptees' co-conspirators, accomplices, agents or victims involved in the Target Offenses. As the surveillance progresses, it is likely that you will be able to identify new subjects who function as co-conspirators, accomplices, agents, or victims in the Target Offenses. As soon as any such individual is identified, the Supervising Agent and Supervising Attorney should be notified immediately.

### PRIVILEGED COMMUNICATIONS

18. There are special restrictions relating to any communications which would fall under any legal privilege. The general categories of privileged communications are discussed below. If you determine that a conversation is privileged, stop intercepting immediately, but spot-monitor to see if the conversation remains privileged. If you decide that a conversation is not privileged, treat it as a regular interception and apply the above minimization instructions. If you mistakenly overhear a privileged conversation, you should notify the Supervising Agent and Supervising Attorney. You should not pass on the content of the conversation, only pass on the circumstances of the mistaken interception.

#### a. Attorney-Client

It is unknown at this time whether any of the subjects are currently being represented by an attorney, although there has been some indication that Leland YEE may have sought legal advice as to matters other than those we are actively investigating. If at any time during the investigation we learn the name of any attorney retained by any possible subject, these names are to be posted in a conspicuous place in the listening post. Any time that it is determined that an attorney is participating in an intercepted conversation over the **Target Telephones**, call the Supervising Agent and Supervising Attorney immediately. If the conversation involves legal consultation of any kind or any sort of discussion of legal strategy, immediately turn off the monitor and stop recording. However, do not summarize this conversation in the log and, again, you should only pass on the circumstances of the mistaken interception, not the content of the conversation.

1 Rather, you should write the content of what you mistakenly overheard, not in the log, but  
2 on a separate piece of paper titled "Attorney Communication," and give this paper, in a  
3 sealed envelope, to the Supervising Agent who, in turn, is to give it to the Supervising  
4 Attorney.

5  
6 b. Parishioner-Clergyman

7 All communications between a parishioner and his or her clergyman are to be  
8 considered privileged. We could not obtain an interception order to listen to a person  
9 confessing to a priest in a confessional booth; similarly, we must not intercept a subject  
10 discuss his or her personal, financial, or legal problems with his or her priest, minister,  
11 rabbi, etc. Thus, if such a communication is intercepted over the **Target Telephones**,  
12 turn off the monitor and stop recording. Then call the supervising agent and attorney.  
13 However unlikely, if the conversation reasonably leads you to conclude that the  
14 clergyman is acting as a co-conspirator or accomplice, the conversation is not privileged  
15 and may be monitored in full.

16  
17 c. Husband-Wife

18 There is also a privilege concerning communications between spouses. You are to  
19 discontinue monitoring if you determine that you are intercepting a personal  
20 communication over the **Target Telephones** solely between a husband and wife. If it  
21 appears that a third person is present during the communication, however, the  
22 communication is not privileged. Also, if the communication does not deal with private  
23 matters between a husband and wife, but instead with ongoing (as opposed to past)  
24 violations of law, it is not a privileged communication.

25  
26 d. Physician-Patient

27 Conversations between a physician and patient are to be considered privileged.  
28

1 You are to stop intercepting a communication once you determine that it is a  
 2 communication between a physician and patient that arises out of their professional  
 3 relationship. Then notify the supervising agent and attorney. Again, if you decide that  
 4 the doctor is acting as a co-conspirator, or accomplice, the conversation is to be treated  
 5 like any other intercepted communication.

6  
 7 e. Psychiatrist-Patient

8 Conversations between a physician, psychiatrist, psychotherapist, psychologist, and even  
 9 a social workers<sup>§2B 6/24/2013</sup> functioning in that capacity, are to be considered privileged.

10 You are to stop intercepting a communication once you determine that it is a  
 11 communication between a psychiatrist and patient that arises out of their professional  
 12 relationship. Then notify the supervising agent and attorney. Again, if you decide that  
 13 the psychiatrist is acting as a co-conspirator, or accomplice, the conversation is to be  
 14 treated like any other intercepted communication.

15  
 16 f. Other Relationships

17 No legal privilege exists with regard to communications between a subject and his  
 18 or her lover, unless they are married. Similarly, no legal privilege exists with regard to  
 19 conversations between a subject and his or her children or relatives. Keep in mind,  
 20 however, that our function is to intercept and record conversations related to illegal  
 21 activities, not indiscriminately to invade the privacy of our subjects and others. In  
 22 general, follow the spot-monitoring rules outlined above, if conversations of this type are  
 23 intercepted.

24  
 25 NON-PRIVILEGED COMMUNICATIONS

26  
 27 19. Even if a communication does not fall within one of the privileged categories  
 28



1 discussed above, that does not automatically mean that we have a right to listen to and record the  
2 entire communication. We have authority to intercept only those communications which pertain  
3 to the Target Offenses of the named Interceptees and their unknown associates. Always  
4 remember that eventually a court may have to decide whether we executed the interception Order  
5 in the manner specified by the Order. The standard which a Court is likely to apply in  
6 determining whether the interception was properly carried out is simple: Did the agents make a  
7 good faith effort to comply with the restrictions and requirements of the wiretap Order?

8 ". . . a court should not admit evidence derived from an electronic surveillance  
9 order unless, after reviewing the conduct of the monitoring agents, it is left with  
the conviction that on the whole the agents have shown high regard for the right of  
privacy and have done all they reasonably could to avoid unnecessary intrusion."

10 *United States v. Tortorello*, 480 F.2d 764, 784 (2d Cir. 1973).

11 ". . . the monitoring agent and thereafter the reviewing court must consider many  
12 factors, including the precise relationship of the parties, the length of the  
13 relationship, the number of [conversations] between the parties, the state of the  
investigation, activities, at the time, of the alleged conspirator who is a party to the  
conversation, and the content of the conversations to determine the appropriate  
degree of minimization."

14 *United States v. Falcone*, 364 F. Supp. 877, 884 (D.N.J. 1973)

15  
16 20. You must be alert to the possibility that you may intercept conversations in which  
17 defendants in ongoing criminal prosecutions are discussing the facts of their cases. You are only  
18 entitled to intercept conversations about ongoing criminal cases if they are pertinent to ongoing  
19 criminal activity (i.e., criminal conversations) and non-privileged – just as you may intercept any  
20 other pertinent, non-privileged conversation. You are not to monitor and record any discussion  
21 concerning a legal defense or strategy that may be discussed by a subject or other interceptee.

22 21. However, you should also realize that we must be very careful how we use any  
23 information which we obtain from such conversation. Specifically, such information may not be  
24 used against a particular defendant in his pending criminal case either directly (as evidence) or  
25 indirectly (as leads to obtain evidence). None of the subjects are currently under federal  
26 indictment; however, should you intercept a conversation in which a defendant is discussing the  
27 facts of a pending criminal case, call the Supervising Agent and Supervising Attorney and advise  
28 them of the nature and substance of the conversation. Do not, under any circumstances,

1 communicate the substance of the conversation to any prosecutor, agent, police officer, or other  
2 government officer who has any connection with the prosecution or investigation of that  
3 defendant's pending criminal case.

#### 4 SEALING

5 22. You should be aware that the federal statutes which empower District Courts to issue  
6 interception orders also place upon us the obligation to record intercepted conversations in a  
7 manner that will protect the recordings from editing or other alterations. It is our responsibility  
8 to make available to the judge who issues the interception order all of the recordings of the  
9 intercepted conversations which are then to be placed under judicial seal. Failure to carry out  
10 these responsibilities may result in the suppression of the recordings as evidence. The  
11 Supervising Agent has adopted procedures to preserve the chain of custody of the original  
12 recordings and to prepare accurate duplicates. The Supervising Agent will instruct all  
13 monitoring agents according to those procedures.

#### 14 RECORD KEEPING

15 23. Agents or monitors are to prepare abstracts or summaries of each conversation at the time  
16 of interception. The abstracts or summaries are to be included in the monitoring logs/line sheets.  
17 If the conversation was not entirely recorded, an appropriate notation should be made indicating  
18 the incomplete nature of the conversation (e.g., interception discontinued) and why the full  
19 communication was not intercepted (e.g., non-pertinent or privileged). Where the exact words  
20 used by the participants are important, a transcript of that portion of the conversation should be  
21 prepared as soon as possible thereafter and delivered to the Supervising Agent shortly thereafter.

22 24. The line sheets/logs are to be a reflection of all activity occurring at the listening  
23 post which concerns the intercepted conversations, as well as the equipment itself (e.g.,  
24 malfunction of recorder, no overheard conversations). You will ultimately use these logs to  
25 explain actions you took with respect to particular communications. Therefore, it is vitally  
26 important that you describe/identify:

- 27 a. the parties of each conversation (name or UM, UF, etc.);



b. the beginning and ending time of any conversations (in order to avoid confusion regarding "A.M." and "P.M.", please use "military time" - that is, a continuous 24-hour period of time ranging from 0000 to 2400);

*C.E.* whether or not the conversation is pertinent; and

*d.f.* if the conversation is not pertinent, indicate whether or not it was minimized and whether spot-monitoring used.

*SUB 4/24/2013*  
*e.g.* In the area reserved for "synopsis":

(i) if a conversation is privileged, indicate the basis for your determination and type of privileged involved.

(ii) provide summary of conversation (e.g., discussed cocaine delivery, talked about price and place of delivery). If only part of the conversation was monitored, indicate why this was done. If you can identify the speakers by name, please do so. If you believe you know the identity of the speakers, but are not positive, write the name followed by a question mark.

#### LENGTH OF INTERCEPTION

26. The Court is expected to authorize the interception of wire communications over the **Target Telephones** for a period of 30 days. The Court's Order is expected to be signed on June 25 or June 26, 2013 as to **the Target Telephones**, and interception is anticipated to start on June 26 or 27, 2013. If interception indeed begins on June 26, 2013, then interception must end on July 25, 2013. If interception begins on June 27, 2013, then interception must end on July 26, 2013. If interception does not begin on either of these dates, the ending date will be recalculated. In any event, no communications should be intercepted after the 30 day period without a renewal and extension of the Court's Order.

///

///

///

QUESTIONS

27. If anything appears to be developing suddenly, or if a critical question arises, please call AUSA William Frentzen at [REDACTED] (desk) or [REDACTED] (mobile). You may also call me, AUSA S. Waqar Hasib, at [REDACTED] (desk) or [REDACTED] (mobile), or AUSA Susan Badger at [REDACTED] or [REDACTED] (mobile). These numbers will be posted in the wire room. Do not hesitate to call any of us at any time of the day or night.

DATED: June 24, 2013

MELINDA HAAG  
United States Attorney

  
SUSAN E. BADGER  
Assistant United States Attorney

INSTRUCTIONS  
UNDER SEAL